



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm Wednesday, 1 July 2026

Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve of the Minutes of the meeting of this Committee held on 3 June 2026 (Pages 5 - 10)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 11 - 12)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 13 - 14)
 - (a) 2 Raby Chase, Summerhouse, Darlington. (Pages 15 - 24)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Decision on Appeals – (Pages 25 - 30)

Notification of Decisions on Appeals – The Executive Director, Economy and Public Protection will report that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Ardent Land Limited against this Authority's decision to refuse permission for the Display of 1 No. internally illuminated free standing digital display unit (Amended description) at Meynell Retail Park, (Western Verge, facing Whessoe Road), Darlington, DL3 0YQ (25/01193/ADV) (copy of Inspector's decision enclosed).

Recommended – That the report be received.

9. Notification of Appeals –

Notification of Appeals – The Executive Director of Economy and Public Protection will report that :-

- (a) JCDecaux has appealed against this Authority's decision to refuse permission for the Installation of 1 No. multi functioning hub incorporating 1.9 m internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside 5 Tubwell Row, Darlington (Ref No 25/00450/FUL).
- (b) JCDecaux has appealed against this Authority's decision to refuse permission for the Installation of 1 No. multi functioning hub incorporating integral advertisement display screen to one side and defibrillator to other side at Pavement Outside 38 Northgate, Darlington (Ref No 25/00452/FUL).
- (c) JCDecaux has appealed against this Authority's decision to refuse permission for the Installation of 1 No. multi functioning hub incorporating internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside 41-45 Northgate, Darlington (Ref No 25/00653/FUL).
- (d) JCDecaux has appealed against this Authority's decision to refuse permission for the Installation of 1 No. multi functioning hub incorporating internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside 4 Northgate, Darlington (Ref No 25/00655/FUL).
- (e) JCDecaux has appealed against this Authority's decision to refuse permission for the Installation of 1 No. multi functioning hub incorporating internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement outside Santander, Bondgate, Darlington (Ref No 25/00657/FUL).

Recommended – That the reports be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

10. To consider the Exclusion of the Public and Press –
RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.
11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 22 June 2026 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection
(Pages 31 - 42)
12. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
13. Questions



Amy Wennington
Assistant Director Law and Governance

Tuesday, 23 June 2026

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Durham, Haszeldine, Holroyd, Kane, Laing, Lawley, McCollom and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact James McAllister, Democratic Officer, Resources and Governance Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: james.mcallister@darlington.gov.uk or telephone 01325 403122

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 3 June 2026

PRESENT – Councillors Haszeldine (Chair), Ali, Allen, Anderson, Bartch, Beckett, Cossins, Holroyd, Laing, Lawley, McCollom and Tostevin

APOLOGIES – Councillors Durham and Kane.

OFFICERS IN ATTENDANCE – Lisa Hutchinson (Interim Head of Planning Development Management), Andrew Errington (Lawyer (Planning)), Nikita Josan (Legal and Land Charges Assistant), James McAllister (Democratic Officer) and David Hand (Head of Service for Planning Policy, Economic Strategy and Environment).

PA1 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA2 TO APPROVE OF THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 6 MAY 2026

RESOLVED – That the Minutes of this Committee held on 6 May 2026 be approved as a correct record.

PA3 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) PARCEL MP8 (SOUTH) & MP9, SITE AT MOUNT PLEASANT FARM, NEWTON LANE, DARLINGTON, DL2 2GR

25/01206/FUL - Application submitted under Section 73 of the Town & Country Planning Act 1990 for the variation of condition 1 (approved plans) attached to planning permission 21/01111/RM1 dated 09 June 2023 (Application for reserved matters approval relating to access, layout, scale, appearance & landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 72 no. dwellings with associated landscaping and infrastructure) to permit an update to the site boundary, for the removal of plots MP9.20/21/22/23/24/25/26/27/41/42/43. House type changes for plots MP8S.1/2/3/23, MP9.13/15/16/17/18/19/37/38/39/40 and the addition of plots MP8.28/29/30/31/32/33/34 (amended description)

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Environmental Health Officer, the Applicant and an Objector, whom the Committee heard).

RESOLVED – That approval be granted subject to the following planning conditions:

- Drawing Number A200 B MP9 Bridleway Detail Plan
- Drawing Number P500 Rev A Bridleway Section

- Drawing Number 2021/MP8/P2829 Rev B Plot 28,29 Elevation
- Drawing Number 2021/MP8/P2829 Rev B Plot 28, 29 Plan 1
- Drawing Number 2021/MP8/P2829 Rev B Plot 28, 29 Plan 2
- Drawing Number 2021/MP8/P30 Rev B Plot 30 Elevations
- Drawing Number 2021/MP8/P30 Rev B Plot 31 Plans 1
- Drawing Number 2021/MP8/P30 Rev B Plot 30 Plans 2
- Drawing Number A006 Rev J MP8 & 9 Proposed Site Plan
- Drawing Number A007 Rev C MP 8 & 9 Proposed Unit Types
- Drawing Number A015 Rev E MP8 & 9 Boundary Types
- Drawing Number A025 Rev C MP8 & 9 Landscape Strategy and Site Plan
- Drawing Number 2021/MP8/P31 Rev B Plot 31 Elevations
- Drawing Number 2021/MP8/P31 Rev B Plot 31 Plan 1
- Drawing Number 2021/MP8/P31 Rev B Plot 31 Plan 2
- Drawing Number 2021/MP8/P32 Rev B Plot 32 Plans 2
- Drawing Number 2021/MP8/P32 Rev B Plot 32 Plans 1
- Drawing Number 2021/MP8/P33 Rev B Plot 33 Elevations
- Drawing Number 2021/MP8/P33 Ref B Plot 33 Plan
- Drawing Number 2021/MP8/P34 Rev B Plot 34 Elevation
- Drawing Number 2021/MP8/P34 Rev B Plot 34 Plan
- Drawing Number 2021/MP9/P15 Rev B Plot 15 Elevation
- Drawing Number 2021/MP9/P15 Rev B Plot 15 Plans
- Drawing Number 2021/MP9/P16 Rev B Plot 16 Elevation
- Drawing Number 2021/MP9/P16 Rev B Plot 16 Plans
- Drawing Number 2021/MP9/P17 Rev B Plot 17 Elevation
- Drawing Number 2021/MP9/P17 Rev B Plot 17 Plans
- Drawing Number 2021/MP8S/P1 Rev A Plot 1 Elevation
- Drawing Number 2021/MP8S/P1 Rev A Plot 1 Plans 1
- Drawing Number 2021/MP8S/P1 Rev A Plot 1 Plans 2
- Drawing Number 2021/MP8S/P2 Rev A Plot 2 Elevation
- Drawing Number 2021/MP8S/P2 Rev A Plot 2 Plans
- Drawing Number 2021/MP8S/P23 Rev B Plot 23 Elevation
- Drawing Number 2021/MP8S/P23 Rev B Plot 23 Plans
- Drawing Number 2021/MP8S/P3 Rev B Plot 3 Elevations
- Drawing Number 2021/MP8S/P3 Rev B Plot 3 Plans
- Drawing Number 2021/MP8S/P13 Rev B Plot 13 Elevations
- Drawing Number 2021/MP8S/P13 Rev B Plot 13 Plans
- Drawing Number 2021/MP8S/P18 Rev A Plot 18 Elevations
- Drawing Number 2021/MP8S/P18 Rev B Plot 18 Plans
- Drawing Number 2021/MP8S/P19 Rev A Plot 19 Elevations
- Drawing Number 2021/MP8S/P19 Rev A Plot 19 Plans
- Drawing Number 2021/MP9/P37383940 Rev A Plot 37, 38, 39 & 40 Elevations
- Drawing Number 2021/MP9/P37383940 Rev A Plot 37, 38, 39 & 40 Plans
- Drawing Number 2012/MP9/P47 Rev A Plot 47 Elevation
- Drawing Number 2012/MP9/P47 Rev A Plot 47 Plan

REASON – To ensure the development is carried out in accordance with the planning permission.

2. Notwithstanding the details shown on the approved plans, every dwelling which has a

garage or dedicated marked out car parking space within its curtilage shall include an electrical socket suitable for charging electric vehicles (minimum single 13 amp socket)

REASON - To accord with Policy IN4 of the Darlington Local Plan 2016 – 2036

3. The development hereby approved shall provide suitable broadband infrastructure, ducting and connectivity

REASON - To accord with policy IN8 of the Darlington Local Plan 2016 – 2036

PA4 ICE FLOWER COURT, SITE AT MOUNT PLEASANT FARM AND STAG HOUSE FARM, NEWTON LANE, DARLINGTON

25/01397/RM1 - Application for reserved matters approval relating to access, layout, scale, appearance & landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 24 no. residential apartments with associated landscaping and infrastructure.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Environmental Health Officer, Highways Engineer and Ecology Officer, Northumbrian Water, Durham County Council's Archaeology Team, the Applicant and an Object, whom the committee heard.)

RESOLVED – That approval be granted subject to the following planning conditions:

- a) Drawing Number 21-001 A005 P5 – Site Plan
- b) Drawing Number 21-001 A015 P2 – Landscape and Boundary Strategy
- c) Drawing Number 21-001 A200 P7 – Proposed Ground Floor
- d) Drawing Number 21-001 A201 P7 – Proposed First Floor
- e) Drawing Number 21-001 A202 P7 – Proposed Second Floor
- f) Drawing Number 21-001 A203 P2 – Proposed Roof Plan
- g) Drawing Number 21-001 A300 P5 – Southeast and West Elevation
- h) Drawing Number 21-001 A301 P5 – Northwest and East Elevation
- i) Drawing Number 21-001 A001 P3 – Location Plan

REASON - To ensure the development is carried out in accordance with the planning approval.

2. The building hereby approved shall not be constructed above damp-proof course until precise details of all external materials to be used in the construction of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development

PA5 NOTIFICATION OF DECISION ON APPEALS -

The Executive Director of Economy and Public Protection reported that the Inspectors appointed by the Secretary of State for the Environment have: -

(a) Dismissed the appeal by Miss Helen Dixon against this authority's decision to refuse permission for Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 6 (opening hours) attached to planning permission 23/01123/FUL dated 18 January 24 (Construction of a detached building in the rear garden for use as a Pilates reformer studio) to amend the opening hours to 6.00am to 8.00pm Monday to Friday; 7:00am to 2.00pm on a Saturday with no opening on a Sunday or Bank Holidays at 62 Baydale Road, Darlington, DL3 8JU (25/01027/FUL) (copy of Inspector's decision enclosed).

(b) Allowed the appeal by Mr Kosrat Chawshin against this authority's decision to refuse permission for Installation of external roller shutters to 2 no. windows and front entrance door (Retrospective Application) at Kos's Barbers Ltd, 142 North Road, Darlington, DL1 2EJ (25/01142/FUL) (copy of Inspector's decision enclosed).

(c) Dismissed the appeal by Mr Kosrat Chawshin against this authority's decision to refuse permission for Display of 3 no. internally illuminated fascia signs, internally illuminated projecting signs and barber poles (Retrospective Application) (Amended Description)) at Kos's Barbers Ltd, 142 North Road, Darlington, DL1 2EJ (25/01144/ADV) (copy of Inspector's decision enclosed).

(d) Dismissed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath East Of Dolphin Centre, Horsemarket, Darlington, DL1 5RP (25/01103/FUL) (copy of Inspector's decision enclosed).

(e) Dismissed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath East Of Dolphin Centre, Horsemarket, Darlington, DL1 5RP (25/01104/ADV) (copy of Inspector's decision enclosed).

(f) Allowed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath Outside 214 Northgate, Darlington, DL1 1RB (25/01105/FUL) (copy of Inspector's decision enclosed).

(g) Allowed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath Outside 214 Northgate, Darlington, DL1 1RB (25/01106/ADV) (copy of Inspector's decision enclosed).

RESOLVED – That the reports be received.

PA6 NOTIFICATION OF APPEALS -

There were no Notifications of Appeals reported at this meeting.

PA7 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA8 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 22 MAY 2026 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA75, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22nd May 2026.

RESOLVED - That the report be noted.

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When the time comes for the application to be considered, the Chair will use the following running order:

[This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour, however, to ensure that the opportunity to make representations are made in a fair and balanced way.]

- Chair introduces Agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- Officer summarises key planning issues;
- Members may question Officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 1 July 2026

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.**
- 2) Letters of objection and representation from the public.**

Index of applications contained in this Schedule are as follows:-

Address/Site Location	Reference Number
2 Raby Chase, Darlington	26/00426/FUL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1 July 2026

APPLICATION REF. NO:	26/00426/FUL
STATUTORY DECISION DATE:	3 rd July 2026
WARD/PARISH:	Heighington And Coniscliffe/Summerhouse Parish Meeting
LOCATION:	2 Raby Chase, Summerhouse, Darlington
DESCRIPTION:	Replace existing post and rail timber fence and gate with 1.8m high close boarded timber fence and gate on east boundary
APPLICANT:	Mr Jamie Wintrell

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TE7N7ZFPIXB00>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a segment of the eastern boundary of 2 Raby Chase within Summerhouse, Darlington. The property, a converted former farm building, is situated within a complex of former farm buildings and new build properties to the east of Summerhouse village. Adjoining the application site to the east is 4 Raby Chase, beyond which is a 2-bay parking area and garage block, an access road and five terraced properties of 5 - 9 Raby Chase. The application property, together with the adjoining and adjacent properties at 1, 3 and 4 Raby Chase, are Grade II listed. The site is also located within the Summerhouse Conservation Area.
2. Planning permission is sought for the removal of the existing post and rail timber fence and gate, forming part of the eastern boundary of the application property, which is situated between the boundary of 4 Raby Chase and the garage block. This would be replaced with a new close boarded timber fence and gate at approximately 1.8m in height, for a length of approximately 8 metres. The hedge which sits behind the existing post and rail fence is to be retained.
3. Planning permission, 25/00575/FUL, was granted in September 2025 for the replacement of the section of post and rail fencing immediately adjacent to the application site at 4 Raby Chase with a close boarded timber fence up to 1.8m in height. This permission has yet to be implemented in full.

MAIN PLANNING ISSUES

4. The main planning issues are whether the proposed works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Ecology
 - (c) Amenity
 - (d) Highway Safety
 - (e) Residual Matters

PLANNING POLICIES

5. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, as listed below:

DC1 – Sustainable Design Principles and Climate Change
DC4 – Safeguarding Amenity
ENV1 - Protecting, Enhancing and Promoting Darlington’s Historic Environment
ENV7 – Biodiversity and Geodiversity and Development
IN4 – Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

6. No objections have been raised by the Council’s Highway Engineer or from Summerhouse Parish Council.

RESULTS OF PUBLICITY AND NOTIFICATION

7. At the time of writing, 4 objections and 1 support comment have been received from five neighbouring properties. The main concerns are bullet pointed below, but full comments are available online at the weblink provided at the beginning of this report:
 - Character impacts
 - Ecological impacts
 - Impacts upon residential outlook
 - Noise impacts
 - Impacts upon access, maintenance and car parking arrangements
 - Would set a precedent
 - Damage/ encroachment from existing vegetation
8. In summary, the support comment wanted to make clear that the land adjacent the proposed fence works, is partly owned by 4 Raby Chase to provide a car parking space, with the remaining land to allow for a shared parking space. They state the land is not a turning circle area and they confirm that they have a close boarded fence in place.

PLANNING ISSUES/ANALYSIS

(a) Character

9. Local plan policy DC1 seeks to secure good design and proposals that reflect the local environment and create an individual sense of place with distinctive character. Detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials and colouring. In addition, local plan policy ENV1 seeks to protect the significance of heritage assets. A Heritage Statement has been submitted with the application which assesses the impacts of the proposal on the significance of heritage assets which include the Summerhouse Conservation Area and listed buildings, 1 – 4 Raby Chase.

10. The erection of a 1.8m high boundary fence is not uncommon for residential areas. Whilst it is noted that this area reads more as a converted farmstead than a typical suburban area, the boundary is considered to be read in association with a domestic dwelling in a now wider domestic setting. The use of timber however is considered to be consistent with the rural and agricultural character of the village. The proposed fence would also connect to a previously approved close boarded boundary fence and would run along a defined boundary. This boundary runs between 2 Raby Chase and the garage block and in this location is not considered to be particularly prominent.
11. With regards to the setting of the nearby listed buildings, and as already noted above, the boundary would read as a domestic feature. Consequently, the boundary would be viewed as a later addition and in the context of a residential setting. It would also be situated on a small part of the boundary of the substantially large plot for 2 Raby Chase. As such, it is not considered that the proposed works would significantly harm the character and setting of the listed buildings. Consideration is also had for the fact that a timber fence can be removed in the future and so it is a feature that is considered to be reversible. Furthermore, the proposed works will not impact the fabric of the listed building as no works are proposed to any part of the listed structure itself.
12. Overall, the Heritage Statement concludes that the proposal will cause no harm, or at most negligible harm, to the significance of either the Summerhouse Conservation Area or the Grade II listed former farm buildings. Officers agree with the conclusions of the Heritage Statement.
13. The main concerns raised by neighbouring properties, is in relation to the impacts upon the character of the area and nearby listed buildings. It is argued that there would be a visual impact that does not follow the character of this estate and reference has been made to 4 Raby Chase and the changes required as part of that scheme.
14. With regards to 4 Raby Chase, this property did erect 1.8m fence around their garden with a close boarded fence with the boundary of 2 Raby Chase without planning permission. It was agreed as part of the retrospective planning application that a 1.8m fence could be erected to the boundary with 2 Raby Chase but not around their entire garden area, which occupies a prominent position within this area. Whilst 4 Raby Chase currently has a fence at approximately 1.2m in height (at the boundary with 2 Raby Chase), the planning permission allows this to be replaced with a fence up to 1.8m in height. The circumstances relevant to the consideration of the application at 4 Raby Chase are considered different to this application given the location of the proposed replacement fence in a less prominent location.
15. While replacing the current open railed low-level fence and gate, with a close boarded 1.8m fence and gate, would be a notable change in the visual amenities for this area. It is not necessarily considered that the existing boundary is open in nature due to the existing mature hedge. As such, the proposed boundary treatment is not considered to disrupt the openness of this area, but it is noted that the greenery would be less visible on the street scene due to the erection of this fence. However, to help address this concern, the applicant has agreed to maintain the hedging, to help maintain the greenery of this area. This is welcomed and it is also considered that a timber fence would weather naturally over time, to help soften its features. However, to ensure it remains of a natural appearance, a condition will be attached to ensure an appropriate finish.

16. Overall, the proposed fence is not considered to have an unacceptable impact on the significance of heritage assets and is of a design and appearance that is considered appropriate in this location. The proposal is therefore considered to comply with the requirements of Local Plan Policies ENV1 and DC1 in this regard.

(b) Ecology

17. One issue raised by objection relates to the proposed boundary treatment preventing wildlife from migrating across the site. To help address this, the fence incorporates a hedgehog highway and a gap underneath the gate to allow for amphibian access. This has been discussed with the Council's Ecologist, and it has been confirmed that this would be suitable to allow migration for the wildlife. The 7.5cm gap underneath the gate is sufficient for amphibians and the Ecologist confirmed that amphibians could also use the hedgehog highway as a secondary access point. In addition, the one hedgehog highway is sufficient for this length of fence and the 13cm by 13cm sized opening is a standard and acceptable size for hedgehogs to use.
18. While householder planning applications are exempt from the requirements of mandatory biodiversity net gain, the scheme makes suitable provision to allow the migration of species across the site, in accordance with the requirements of Policy ENV7.

(c) Amenity

19. Local policy DC4 has regard to protecting the amenity of existing users of neighbouring land and buildings. It goes on to say that new development will be supported in regard to amenity, where it is suitably located and is considered acceptable in terms of impacts on amenity and privacy.
20. Neighbouring concerns have referenced a loss of outlook and an increase in noise levels. With regards to the former concern, the proposed fence would be located approximately 18.5m away from the frontages of the nearby terraced properties. This is considered a sufficient distance to not adversely impact upon outlook or create a closing in effect. As such, due to this distance it is considered that a reasonable outlook would remain from the windows of the neighbouring terraced properties. It should be noted that impact upon a view, is not a material planning consideration and cannot therefore be considered as part of the determination of this application.
21. With regard to noise impacts, given this separation distance and the limited length of the proposed fence, it is considered unlikely that noise would bounce back from this solid surface as to significantly increase noise levels for this area. This is also taking into account that the area features a mix of buildings through dwellings and garages, in which the proposed fence and its location, is not considered to create a detrimental impact upon noise levels, significantly over and above the existing situation.
22. Due to the siting of the development and siting and orientation of neighbouring properties, it is also not considered to create an adverse overbearing and overshadowing impact. The proposal raises no unacceptable issues with regard to residential amenity and is considered to meet the requirements of Policy DC4.

(d) Highway Safety

23. No highway safety objections have been received regarding this development. The development is therefore considered to be acceptable with regards to visibility and therefore highway safety.
24. Reference has been made to inadequate / hindered vehicle manoeuvring with regards to the car parking spaces, but this is in relation to an existing gated access, which will be discussed further below.

(e) Residual Matters

Pedestrian Access Gate

25. Reference is made within the objection comments about the existing access gate and that by allowing this permission, it would formalise this access. Such comments also note that the applicants do not contribute towards the maintenance of the road and so they should not have a pedestrian access. However, a couple of the comments do make reference to this pedestrian gate being historic, with one inferring the gate has been in place for 10 years.
26. It should be noted that this planning application seeks to replace an existing gate that appears to have been in place for a number of years. The applicants supporting details, includes a photograph of garden works carried out in 2017 which shows the gate in place. A further garden works application was granted in 2021 and it can be seen from the officer photos that the gate was in place in 2021. As the installation of a gate would have been operational development, it is now exempt from any enforcement action with it being over 4 years old, and assuming that it would have required planning permission. Nevertheless, it is considered that the pedestrian access within the boundary of 2 Raby Close is established and the granting of this permission would not be formalising this access, which is considered to already be well established.
27. The replacement of this gate is not considered to worsen any current pedestrian or parking access arrangements. Furthermore, how this pedestrian access is used or the activity levels associated with it, cannot be considered further given that it is a historic access point.
28. With regards to access rights and maintenance costs as set out within the neighbouring objections, these matters are not material planning considerations. Therefore, they cannot be assessed or controlled via planning legislation, and it would be a civil matter to resolve between neighbouring parties.

Precedent for Further Works

29. Concerns have been raised in relation to this proposed fence and gate setting a precedent for further boundary treatments to be erected within the area, which in turn would have an impact on the open converted farmstead nature of the estate. In the event of such future development requiring planning permission, any proposals would be treated on their own merits in the light of the situation prevailing at the time.

Damage/ Encroachment from Trees

30. A comment was made regarding trees planted to the rear of neighbouring garages which apparently have been insufficiently maintained, causing encroachment and potential damage to the foundations from roots. However, this isn't part of this planning application, nor can it be considered under planning legislation and it would be a civil matter to resolve.

THE PUBLIC SECTOR EQUALITY DUTY

31. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

32. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

33. It is recommended that the application be Granted with Conditions for the reasons specified Above.

RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Time Limit

The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plan, drawing number AFR/P1528/D1 REV B (date received 17.06.2026).

Reason: To ensure the development is carried out in accordance with the planning permission.

3. Fence Colour

The hereby approved timber fence and gate, shall either weather naturally or be stained / painted a brown colour, unless otherwise agreed in writing with the Local Planning Authority.

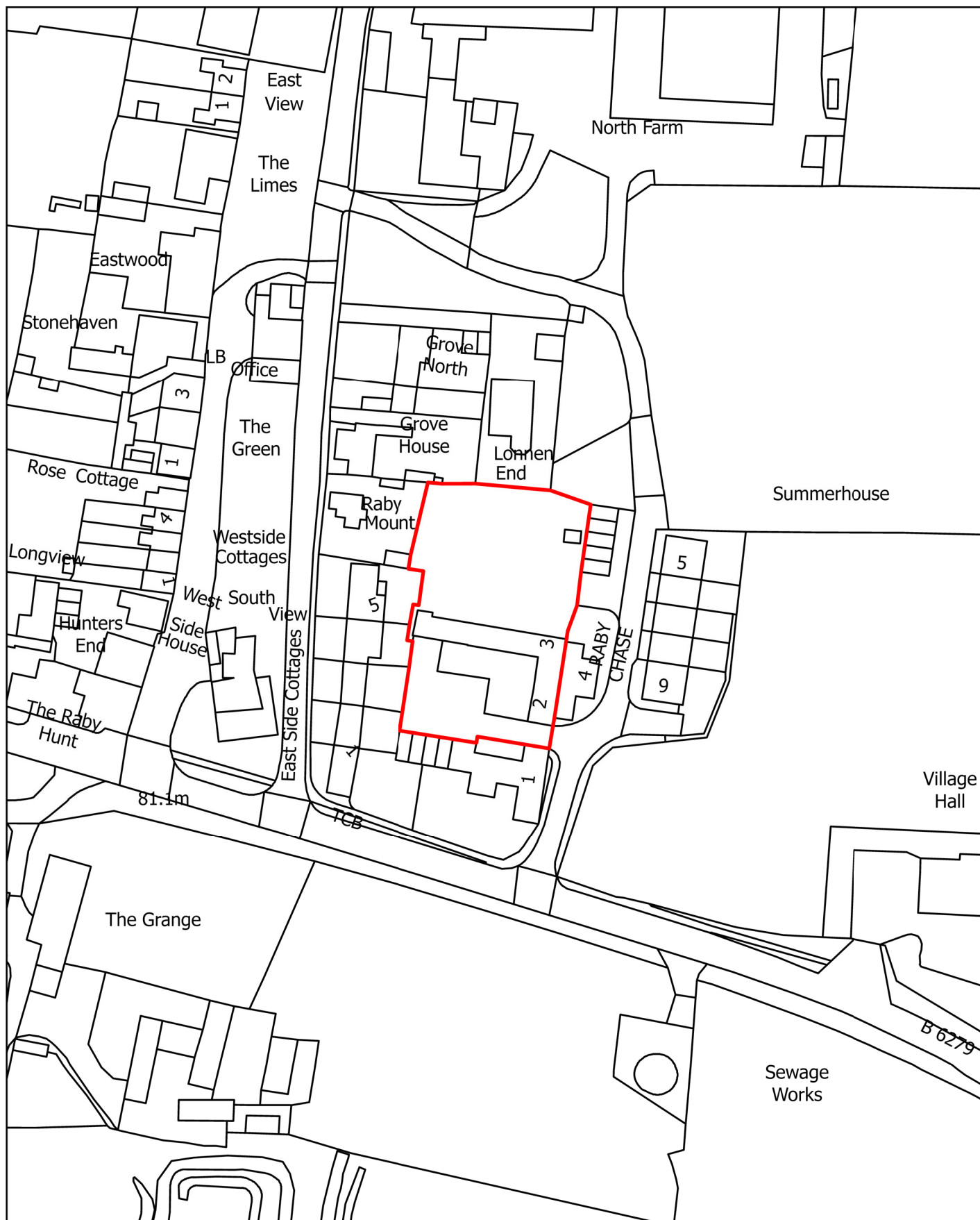
Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

4. Wildlife Access

The hedgehog highway and amphibian access as demonstrated on drawing AFR/P1528/D1 REV B (date received 17.06.2026), shall be implemented in full and shall be retained thereafter for the lifetime of the development.

Reason: To conserve protected species and their habitats, in accordance with local policy ENV7 as well as the National Planning Policy Framework.

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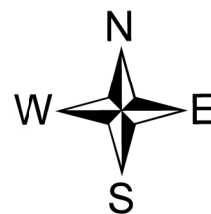


Planning Ref: 26/00426/FUL

Address
2 Raby Chase
Summerhouse
Darlington



DARLINGTON
Borough Council
Page 23



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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF ADVERTISEMENT CONSENT

REF. NO:	25/01193/ADV
APPEAL REF. NO:	6006319
LOCATION:	Meynell Retail Park (Western verge facing Whessoe Road), Darlington, DL3 0YQ
DESCRIPTION:	Display of 1 No. freestanding digital sign board
APPELLANT:	SMART OUTDOOR LIMITED

BRIEF SUMMARY:

The key issue is the effect of the proposed advertisement on the amenity of the area.

KEY POINTS TO NOTE:

The appeal site is a self-contained area of private grass verge land that sits on the western side of the Meynell Road Retail and Industrial areas, specifically in the grass bank to the west of the large B&M unit. This is situated opposite the Railway Heritage quarter which forms the boundary of the newly extended Stockton and Darlington Railway, Northgate Conservation Area. The site sits outside of the Conservation Area, but on the other side of the road forming this boundary.

Advertisement consent was sought for the display of an internally illuminated free-standing digital display unit, sitting on poles of some 2.7m and measuring some 3m x 6m, related to the nearby McDonalds premises to the southeast. This application followed a previously withdrawn proposal for similar signage closer to the roundabout with McDonalds.

REASON(S) FOR REFUSAL:

By reason of its scale, design and position, the proposed signage would have an adverse impact on the visual amenities of the locality and due to harm to its setting, the significance of the Stockton and Darlington Railway; Northgate Conservation Area. There are considered to be no public benefits that would outweigh the harm caused to this heritage asset. The proposed signage is contrary to policies DC1 and ENV1 of the Darlington Local Plan 2016-2036.

APPEAL DISMISSED:

The Inspector agreed that the proposed signage would be viewed as a highly prominent, visually obtrusive addition as a result of its depth, width and height, sitting in an elevated position, and that it would be viewed in stark contrast to the surrounding area due to the limited number of advertisements and absence of other digital adverts. The Inspector considered that the advertisement would be a discordant feature in the context of the surrounding traditional built environment and the verdant backdrop of the highway verge.

The Inspector also noted that when viewed from beside the appeal site on Whessoe Road, views of both the appeal site and the 1861 shed (Darlington Railway Heritage Quarter) could be gained. In this context the advertisement would be read as particularly discordant against this important historic backdrop to the detriment of the historic building and the adjoining Northgate Conservation Area.

Overall, the Inspector agreed that the proposal would harm amenity and would be contrary to policies DC1 and ENV1 of the Darlington Local Plan 2022-2036.

Appeal Decision

Site visit made on 14 April 2026 by J Reed MPlan MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2026

Appeal Ref: 6006319

Meynell Retail Park, (Western Verge, facing Whessoe Road), Darlington DL3 0YQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Smart Outdoor Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/01193/ADV.
 - The advertisement proposed is 1 no freestanding digital signboard at Meynell Retail Park.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The powers under the Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors. Therefore, while the development plan policies referred to on the Council's decision notice cannot by themselves be decisive, they have been taken into account as a material consideration as part of this decision.
4. The Council has not identified any concerns in respect of public safety. I have no reason to form a different view. Having regard to the Regulations, the main issue therefore relates to amenity.
5. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic interest. The Council has referred to the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in relation to nearby heritage assets.
6. Section 72(1) of the Act requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" in a Conservation Area (CA). However, the appeal site lies outside of the CA. As such, the consideration of its setting does not apply within current legislation as Section

72(1) specifically refers to buildings or other land in a CA. Whilst this does not apply to the appeal scheme, the effect on the significance of nearby heritage assets can be a material consideration, in the context of considering the effect on amenity.

Main Issue

7. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons for the Recommendation

8. The appeal site is within a predominantly commercial area, just outside the boundary of the Northgate Conservation Area (NCA). The NCA derives its significance from the area's historical and architectural interest including its use, age, form, and fabric which contributes positively to the built environment and the wider areas industrial heritage.
9. The appeal site is a section of highway verge on Whessoe Road. The area holds a busy urban character due to the variety of commercial and industrial units. To the opposing side of the highway is the '1861 shed' which is part of the Stockton and Darlington Railway heritage quarter. To the opposing side of the highway verge is the Meynell Retail Park which contains a variety of different retail units. From my observations on site, illuminated advertisements were not a dominant characteristic of the immediate area with only limited examples of advertisements present on Whessoe Road.
10. The proposed digital advertisement would be viewed as a highly prominent, visually obtrusive addition as a result of its depth, width, height and siting in an elevated position. It would be viewed in stark contrast to the directly surrounding area due to the limited number of advertisements and absence of other digital adverts. Moreover, the overly large and overtly contemporary proposal would be a discordant feature in the context of the surrounding traditional built environment and against the verdant backdrop of the highway verge.
11. The function of advertising is to draw attention, and the introduction of brightly illuminated images on the proposed display would catch the eye, as is intended. However, the large, illuminated display would appear strident and intrusive in this location where illumination in the public realm is generally limited to street lighting necessary in the interests of public safety. Moreover, the proposal allows for regularly changing images to be displayed. Such regular changes to the images would serve to further emphasise the visual draw of the display. The proposal would therefore introduce advertising features that would be uncharacteristic, dominant, and visually intrusive in this prominent location. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled.
12. When directly beside the appeal site on Whessoe Road, views of both the proposed sign and the '1861 shed' can be gained. The advertisement would be read as particularly discordant in these views appearing as a stark contrast against the important historic backdrop to the detriment of the setting of the historic building and the NCA.
13. I note the appellant's comments stating that the '1861 shed' is accessed from elsewhere rather than from the entrance opposite the appeal site, and therefore the

proposed advert would not impact visitors. However, regardless of this, the proposed advertisement is situated on a busy stretch of road in a highly prominent part of the public realm. Furthermore, while the appeal proposal lies outside of the NCA, this does not automatically lead to a finding that there would be no harm to amenity.

14. Therefore, I conclude that, the proposed advertisement would harm amenity. Although not determinative, the proposal would conflict with policies DC1 and ENV1 of the Darlington Local Plan (2022). These policies, among other things, seek for proposals to support the delivery of high-quality design which preserves the significance of heritage assets. Given my conclusion on this main issue, there is conflict with these Policies. It would also conflict with the aims of the National Planning Policy Framework in relation to sustaining the significance of heritage assets and protecting the quality and character of places from poorly sited and designed advertisements.

Other matters

15. Whilst I note the merits of the scheme outlined by the appellant, such as the use of the digital advert to promote the initiatives of the railway centre. However, this would not satisfactorily mitigate the harm I have identified. In any event, applications for advertisement consent can only be assessed in regard to amenity and public safety.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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